

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 399 (S/B) 2003

Uttaranchal Pradeshiya Junior High Schools,
(Poorva Madhyamic) Shikshak Sangh,
Uttaranchal and another Petitioners
Versus

State of Uttaranchal
through Principal Secretary,
Uttaranchal Government,
Dehradun & others Respondents

Mr. G.S. Negi, Advocate for the petitioners.
Mr. K.P. Upadhyaya, Standing Counsel for the State.

Coram Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal, J.

Date: 10.11.2003

PC:-

By this writ petition, petitioners have challenged order dated 17th May 2003 passed by Under Secretary, Government of Uttaranchal, order dated 11th June 2003 issued by Chief Secretary, Government of Uttaranchal as also order dated 17th June 2003 passed by the Director of Education.

In this State in many areas the Junior High Schools and the High Schools are running in the same premises though the management of these Institution are different. This has led to administrative difficulties. This has led to difficulties in making arrangements for education, discipline and inspection. Therefore, by the above mentioned impugned orders it has been decided by the Government to merge Junior High Schools into High Schools so that one common Institution is managed in the premises. This has been challenged in the present writ petition.

Mr. G.S. Negi, learned Advocate for the petitioners contended that the Principal of the Junior High Schools has been transferred on account of this integration. That on account of this

integration/merger/unification the service conditions of the employee including teachers working in Junior High Schools would be affected. That, their chance of promotion would also be affected. He contended that this integration was violative of petitioners fundamental right under Article 14 and 16 of the Constitution.

We do not find any merit in this argument. Firstly, the impugned orders are confined to those institutions which are located in the same premises. Secondly, the post of the Principal of Junior High Schools is transferable. Under the impugned orders the services of the Principal of Junior High Schools has not been terminated. Under the impugned orders there is no change in the service conditions of the teachers of Junior High Schools. The impugned orders have been passed in order to get over administrative difficulties faced by the Education Department. Lastly, it may be mentioned that in this State for a long time there is a demand for unification of Basic and Secondary Education within the State. The present impugned orders have been passed with the above object in mind. If unification of Basic and Secondary Education in the State takes place it will result in better opportunities for the existing employees including teachers. They will get larger promotional avenues.

In the circumstances, there is no merit in the writ petition.

Accordingly, writ petition is dismissed with no order as to costs.

(M.M. Ghildiyal, J.)

(S.H. Kapadia, C.J.)

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